



This proceeding must be remanded to the Administrative Law Judge for additional findings. The Administrative Law Judge has denied benefits, but did not make findings or otherwise state the reason for the denial.

Under K.S.A. 44-534a, the Appeals Board has the authority and jurisdiction to review preliminary findings which address the disputed issues of: (1) whether the employee suffered an accidental injury; (2) whether the injury arose out of and in the course of the employee's employment; (3) whether notice is given or claim is timely made; (4) whether certain defenses apply. Because the parties introduced testimony and medical records from which the Administrative Law Judge could have denied benefits based upon preliminary findings not subject to our review, the Appeals Board is unable to determine whether it has jurisdiction over this preliminary matter.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that this proceeding should be, and hereby is, remanded to the Administrative Law Judge for an order containing additional findings or statement explaining the reason for the denial of benefits. The Appeals Board does not retain jurisdiction over this matter and the parties must file a new application for review and follow the appropriate procedures, should they be aggrieved, after they receive the additional findings and order from the Administrative Law Judge.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of December, 1994.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

cc: Patrick C. Smith, Attorney at Law, Pittsburg, KS  
Garry W. Lassman, Attorney at Law, Pittsburg, KS  
William Phalen, Attorney at Law, Pittsburg, KS  
Steven J. Howard, Administrative Law Judge  
George Gomez, Director